



MONTGOMERY COUNTY ETHICS COMMISSION

Kenita V. Barrow
Chair

Mark L. Greenblatt
Vice Chair

February 19, 2015

Waiver 15-02-002

Pursuant to § 19A-12(b)(1) of the Public Ethics Law, a public employee must not be employed by, or own more than one percent of, any business that is regulated by the County agency with which the public employee is affiliated, or negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Glenda Bastian works as a Program Manager I managing administrative duties for the Special Needs Housing (SNH) contracts in the Department of Health and Human Services (DHHS), Contract Management Team. Ms. Bastian is the liaison for the SNH service area working on contract amendments, contract renewals, requests for proposals, open solicitations, and notices to proceed for vendors.

Glorious Care, LLP (Glorious Care) operates an Assisted Living Home and is currently owned entirely by Ms. Bastian's spouse. Glorious Care is licensed by DHHS, Licensure and Regulatory Unit, and receives a stipend from DHHS for the housing and care of one resident of the Assisted Living Home owned and operated by Glorious Care. Due to the regulation of Glorious Care by DHHS and the receipt of a DHHS stipend by Glorious Care, Ms. Bastian is prohibited from working for or having more than a 1% ownership interest in Glorious Care without a waiver of the prohibitions of § 19A-12(b)(1). Ms. Bastian seeks a waiver of the restrictions on outside employment and business ownership so that she may work for and become a part owner of Glorious Care.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Based on its review of Ms. Bastian's request and on the Department's concurrence in and support for the request, the Commission finds that the proposed outside employment and ownership interest is unlikely to create an actual conflict of interest as long as two conditions are met. First, Ms. Bastian must abide the conflict of interest restriction of 19A-11 prohibiting her from working as a DHHS employee on any matter where Glorious Care is a party to or is affected by the matter and, second, on Ms. Bastian's not making any

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communications on behalf of Glorious Care to DHHS or its employees. Failure to comply with these requirements will render this waiver null and void and render Ms. Bastian in violation of 19A-12(b)'s prohibitions. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b) with these conditions.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Bastian.

For the Commission:

A handwritten signature in blue ink, reading "Kenita V. Barrow".

Kenita V. Barrow, Chair